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SUMMARY RECORD OF THE 92nd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 13 November 1991, at 4 p.m.

Chairman: Mr. VOYAME

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The meeting was called to order at 4.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 4) (continued)

Initial report of the United Kingdom (CAT/C/9/Add.6) (continued)

1. Mr. MORRIS (United Kingdom) said he regretted that the texts of the legislation on torture had not been annexed to the report, as his Government had intended. The texts would be sent with the next report. The report drawn up by the European Committee for the Prevention of Torture following its visit to the United Kingdom in 1990 - a confidential report communicated only to the State concerned - would be made public, together with his Government's detailed reply, subject to the agreement of the European Committee for the Prevention of Torture.

2. Mrs. EVANS (United Kingdom), replying to a request by several members of the Committee, read out section 134 of the Criminal Justice Act 1988:

"Section 134.

(1) A public official or person acting in an official capacity, whatever his nationality, commits the offence of torture if in the United Kingdom or elsewhere he intentionally inflicts severe pain or suffering on another in the performance or purported performance of his official duties.

(2) A person not falling within subsection (1) above commits the offence of torture, whatever his nationality, if

(a) In the United Kingdom or elsewhere he intentionally inflicts severe pain or suffering on another at the instigation or with the consent or acquiescence:

(i) Of a public official; or

(ii) Of the person acting in an official capacity; and

(b) The official or other person is performing or purporting to perform his official duties when he instigates the commission of the offence or consents to or acquiesces in it.

(3) It is immaterial whether the pain or suffering is physical or mental and whether it is caused by an act or an omission."

3. Subsections (4) and (5) of section 134 applied and developed article 1, paragraph 1, of the Convention against Torture.

4. The members of the Committee would note that section 134 of the Criminal Justice Act was very close in substance and form to article 1, paragraph 1, of the Convention. The only differences related to "lawful sanctions", which had been adapted in section 134 to English law concepts, and the absence from that

section of any mention of the possible purposes of torture. To secure a conviction in proceedings in the United Kingdom, it was enough for a person to have inflicted severe physical or mental suffering. The penalty for a person found guilty of torture was life imprisonment (sect. 134, subsect. (6)).

5. A question had been asked about administrative measures: they were measures establishing standards in respect of arrest and detention in order to ensure that persons in police detention or custody were not exposed to ill-treatment. There was, for instance, a code of police practice which guaranteed that complaints were investigated and police officers found guilty of an offence were subject to disciplinary or other measures. It was important that the police should realize that they could not break the law with impunity.

6. The Criminal Justice Act 1988 also applied in Scotland, where, in addition, persons guilty of torture could be prosecuted for a number of other offences under Scots law.

7. The members of the Committee had requested an exact definition of the offence of assault: it was "any act done, intentionally or recklessly, which causes another person to apprehend immediate and unlawful violence". It was a common law offence. In England, Wales and Northern Ireland, persons guilty of torture could also be prosectued for one of the offences under the Offences against the Person Act 1861.

8. In connection with proceedings for assault in the Sheriff Court (para. 29 of the report), she explained that, in Scotland, the offence of assault, where it involved less serious injury, could be tried by the Sheriff Court, which could punish a guilty person by up to 3 years' imprisonment. However, if the Sheriff Court considered that the sentence would be inadequate to the seriousness of the offence, it was empowered to refer the case to a higher court.

9. With regard to the question of corporal punishment in schools, the situation differed in publicly funded and independent schools. In publicly funded schools, corporal punishment had been abolished by the Education No. 2 Act 1986. The Government had so far taken the view that fee-paying parents of children in independent schools were in a better position to express their convictions. It should be noted, however, that the matter was currently being considered by the European Commission of Human Rights in Strasbourg.

10. She explained that the role of the prosecutor was to decide whether proceedings should be instituted. Under section 135 of the Criminal Justice Act, in England, Wales and Northern Ireland the Attorney-General's consent was required for proceedings for an offence under section 134.

11. With respect to the implementation of article 3 of the Convention, she said that United Kingdom legislation met the requirements of that article. The law guaranteed in particular that, when an extradition request was made by a country where torture might well occur, the person concerned would not be extradited. Sections 6 and 12 of the Extradition Act 1989 set out the particular circumstances in which a person might not be extradited, but the

Secretary of State was empowered to refuse extradition for reasons other than those set out in that Act. He also had the right to make exclusion orders (para. 22 of the report). When his decisions affected a person's fundamental right to life, they could be contested in the courts, which were particularly vigilant and did not hesitate to quash orders to return. As to the implementation of the principle of aut dedere aut punire and the jurisdictional extent of the Criminal Justice Act under section 134, the courts of Great Britain and Northern Ireland had wide extraterritorial jurisdiction to deal with any person present in the territory of the United Kingdom, regardless of the nationality of the offender or of the victim. A person who was not extradited would be prosecuted if there was sufficient evidence to warrant proceedings being taken. So far, no proceedings had been taken for torture under section 134.

12. Replying to a question about the concept of "political offence", which was referred to in section 6 of the Extradition Act 1989, she said that, to her knowledge, there was no exact definition of the offence either in the United Kingdom or at the international level. It had been said that the crime must connote opposition to the Government of the requesting country on some issue connected with the political control or government of that country.

13. As for the meaning of "oppression", she said that section 76 of the Police and Criminal Evidence Act 1984 defined it as including "torture, inhuman or degrading treatment, and the use or threat of violence (whether or not amounting to torture)". Where it was represented that a confession had been so obtained, the court was required not to allow the confession to be used unless it had been established by the prosecution that it had not been obtained by such means. It was therefore for the court to decide whether there had been an element of oppression, for instance, in an interrogation. Section 11 of the Northern Ireland (Emergency Provisions) Act 1991 did not use the term "oppression", but explicitly referred to torture, inhuman or degrading treatment and to violence or threat of violence.

14. Some members of the Committee had asked whether article 15 of the Convention was applied with respect to witness statements. The matter was governed by section 78 of the Police and Criminal Evidence Act, by article 76 of the Northern Ireland Police and Criminal Evidence Order and by the general law on the exclusion of evidence. The statement of a witness to the police was admissible only with the consent of the accused. If he contested the statement, the witness had to come to court and give oral testimony. To that extent, the statement that the witness had given to the police was irrelevant. If the witness confirmed his earlier statement in oral testimony, he could be challenged by the defence. However, it was inconceivable that a person would be convicted solely on the basis of testimony.

15. Explaining paragraph 33 of the report, she said that the provisions applicable to members of the armed forces kept pace with substantive or procedural changes in civil law. Section 70 of the Army Act 1955 provided for action to be taken against army personnel who had committed acts of torture. Nevertheless, the dominant power with respect to acts of torture committed by members of the armed forces was the Chief Officer of Police, who decided whether or not to take action. If he decided not to do so, the military authorities would try the person concerned.

16. With regard to compensation for the victims of beatings and assaults, she referred the members of the Committee to paragraph 107 of the report and explained that compensation was not confined to cases of serious assault amounting to torture. She also explained that, when an offender was insolvent, the court could grant an ex gratia payment to the victim.

17. Mr. CAFFAREY (United Kingdom), referring to paragraphs 25 and 26 of the report on the question of immigration, said that the United Nations Convention relating to the Status of Refugees and the Convention against Torture were applicable in quite different ways. Exceptional leave to remain in United Kingdom territory was granted to ensure protection for all persons in humanitarian cases.

18. Replying to Mr. Burns, Ms. Chanet and Mr. Mikhailov, who had raised the question of prisoners' suicide, he said that his Government and the prison administration were greatly concerned at developments, so much so that the Home Secretary had called for an inquiry into the matter. The inquiry report, published in December 1990, had recommended changes in the prison system; those recommendations overlapped with those of another report, issued in September 1991 and drawn up by Lord Justice Woolf. The Government had published a white paper entitled "Custody, Care and Justice", which endorsed the recommendations of the two reports and recommended a far-reaching reform of the prison system in England and Wales. Those reforms should help to alleviate the problem of suicide and self-harm in prisons, for unquestionably poor prison conditions would only worsen the state of a prisoner who was depressed or suicidal.

19. His Government was increasingly stressing the general improvement of conditions of detention for all prisoners, as shown by the drafting of a code of health standards. However, those general measures needed to be reinforced by specific prevention measures, such as the establishment of more suicide prevention groups, improved reception procedures, training and the increased involvement of the Samaritans. He gave statistics on the number of suicides in United Kingdom prisons. In 1985, there had been 29 suicides; in 1986, 21; in 1987, 46; in 1988, 37; in 1989, 48; in 1990, 50; and, as at 11 November 1991, 37. There had been a question about the use of strip cells for suicidal persons. The guidance given to prison medical officers strongly discouraged that practice, but it was recognized that it might be necessary for short periods. None the less the Government was aware that that solution was not satisfactory.

20. In reply to a question from Mr. Perlas, he confirmed that suicidal prisoners could be referred to a psychiatrist. The prison medical officers were responsible for the mental and physical health of the prisoners.

21. In reply to a question from Mr. Khitrin, he said that, in the last survey on the implementation of the United Nations Standard Minimum Rules for the Treatment of Prisoners, it had been established that the United Kingdom applied all but a small number of the rules, with a few exceptions, such as those relating to the separation of categories of prisoners. When there was only partial implementation of the rules, it was for budgetary or technical reasons. Similarly, the United Kingdom complied with all but a handful of the

European prison rules. The United Nations Standard Minimum Rules were reflected in the Prison Rules 1964, which applied to England and Wales; similar rules applied in Scotland and Northern Ireland.

22. In reply to a question from Mr. Dipanda Mouelle, he explained that prison staff were never armed and that, in the event of serious disturbance, the police were called in.

23. With regard to articles 60 and 61 of the initial report of the United Kingdom, he said that training for law enforcement personnel stressed the importance of never abusing their authority and never ill-treating the persons in their care. As to prison medical officers, the Prison Standing Order No. 13, which specifically covered health questions, repeated the United Nations Standard Minimum Rules, which prison staff had to observe at all times. He agreed, however, in the light of the comments of several members of the Committee, that it would be sensible to see whether the current provisions in the United Kingdom did correspond to the country's obligations under article 10 of the Convention.

24. Replying to a question from Mr. Mikhailov, he said that the term "child care employers" in paragraphs 160 et seq. of the report applied to all those responsible for the welfare of children, including local authorities and public or private organizations who ran children's homes. In the event of a complaint of ill-treatment, an inquiry had to be carried out with the participation of an independent person.

25. In reply to another question from Mr. Mikhailov, he confirmed that the Mental Health Act Commission was not a judicial body, but an independent statutory body.

26. Mr. Perlas had expressed concern at the provisions of the Criminal Procedure Insanity Act 1964. That Act had been replaced by the Criminal Procedure, Insanity and Unfitness to Plead Act 1991, which provided many more possibilities for a person recognized unfit to plead, including guardianship, discharge into the community under supervision, etc. In the case of a prisoner transferred to a hospital, the restrictions applied for the period of the initial sentence; the matter was then for the hospital or the social services.

27. Mr. MORRIS (United Kingdom) said that he would deal with all the questions covering Northern Ireland and, in particular, the powers of the police, detention and some aspects of the judicial process. In that connection, the Government of the United Kingdom fully understood the concerns of the Committee. For its part, the Committee should try to understand the situation in Northern Ireland. As stated in the report of the United Kingdom, almost 2,000 persons had lost their lives in Northern Ireland since 1974. Even in those threatening circumstances, the United Kingdom wished it to be known that it fully accepted its obligations under the Convention and welcomed the possibility of responding to the probing questions of the Committee. The United Kingdom hoped that the Committee would accept that the measures introduced - sometimes very reluctantly - corresponded to the reality of the

situation and did not infringe either the spirit or the letter of the Convention. In all cases, measures that deviated from the usual practice of the United Kingdom were subject to an annual parliamentary review.

28. Replying to a question from Mr. Dipanda Mouelle, he said that the independent advisers referred to in paragraph 23 of the report were generally persons of high standing - experienced lawyers or members of the House of Lords, for instance - acceptable to all political parties.

29. In reply to Mr. Khitrin, he said that the principal power of arrest was that of the police, whose powers were laid down in statutory form and were limited because a warrant was required to arrest a suspect. A police officer must have reasonable cause to suspect someone of having committed or to be about to commit a serious offence in order to make an arrest without a warrant. Similar powers of arrest might be exercised by other authorities, such as customs and excise officers and members of the armed forces. The powers of the armed forces were very limited: they could detain a suspect - for a maximum of four hours in Northern Ireland - for the sole purpose of identification. In all cases, the suspect had to be transferred to a police station.

30. Arrest was subject to a code of conduct, any infringement of which could result in disciplinary measures. There was a separate regime for the interrogation of terrorist suspects in Northern Ireland, under section 14 of the Prevention of Terrorism (Temporary Provisions) Act 1989. Under those provisions the police were entitled to arrest and detain a person for interrogation, on reasonable suspicion of involvement in terrorist activity, for an initial period of 48 hours. Approval for a further period of five days might be authorized by the Secretary of State in certain circumstances. The need for continued detention must be reviewed every 12 hours by an officer. Suspects had statutory rights, including the right to have friends or family members informed of their arrest and to consult a solicitor in private. Access to a solicitor might be delayed for 48 hours in certain circumstances laid down in the legislation. In addition, conditions of detention were regulated by the Code of Conduct of the Royal Ulster Constabulary set out in the guide to the emergency powers, which suspects in custody could consult. The guide was soon to be replaced by a statutory code of conduct which the Secretary of State was required to draft under section 61 of the Prevention of Terrorism Act.

31. The interrogation of terrorist suspects was closely regulated. It was monitored by a closed-circuit television system under the supervision of a uniformed police officer. Detailed custody records had to be opened as soon as practicable for each person in detention and they had to be reviewed periodically by a police officer. If there was a complaint of ill-treatment, a report had to be made to an officer of the rank of inspector or above who was not connected with the investigation. In the event of suspected use of force, a medical officer had to be called immediately. Written interview records had to be made, timed and signed by the maker. In any period of 24 hours, a detained person must be allowed a continuous period of at least 8 hours' rest free from questioning, travel or any interruption.

32. Mr. Burns had mentioned the possibility of video recordings of interrogation. The Government was opposed to the introduction of such recordings, which it considered might jeopardize the interview procedure. Since interrogation was designed to collect intelligence, it was important to leave the person interrogated some room for manoeuvre.

33. The question of a suspect's access to a solicitor during police detention had been raised. It was recognized that that question caused concern. Provisions existed to have the family of an arrested suspect informed of his whereabouts and such information had to be given within 48 hours of the arrest. In a few specific circumstances, the time limit could be extended beyond 48 hours, when authorization had to be made by a police officer and the detainee informed in writing.

34. Several members of the Committee had expressed interest in the possibility, currently being studied, of an independent commissioner responsible for inspecting the holding centres in which terrorist suspects were interrogated. The idea had arisen during the debate on the Northern Ireland (Emergency Provisions) Bill. Discussions were going on between the Government and the police as to how such a scheme might operate in practice. The objective was to achieve an effective scheme which would command public confidence.

35. The project was still in the formative stage, but certain features had already emerged. The commissioner would have access at any time to the holding centres; he would ensure that the procedures relating to the treatment of terrorist suspects were being followed and that the code of practice which the Government was preparing on the treatment of terrorist suspects was also being followed. The Government would be studying the project with a number of interested organizations. Such a system might operate in the same way as the arrangements for the lay visiting of police stations and the boards of visitors which were able to interview inmates in prison at any time. That system was in force in England and Wales.

36. Another question had related to the detention of asylum-seekers. The power to detain was used very sparingly and such detention was closely followed by the Immigration Service and the Home Office Immigration Department. Any complaint was transmitted directly to the Home Secretary.

37. Several members of the Committee had expressed concern about attacks on the right to silence in Northern Ireland. Prior to the adoption of the Criminal Evidence (Northern Ireland) Order, which had changed the law in Northern Ireland, the law there, as in England and Wales, had precluded the prosecution or the trial judge from suggesting that an adverse inference might be drawn from the fact that an accused person had chosen to remain silent when questioned by the police, even though an innocent person might reasonably have been expected to proclaim his innocence. Before the adoption of the new Criminal Evidence (Northern Ireland) Order, the Government had long debated the previous law in the light of the seriousness of terrorist violence and the difficulties faced by the police in bringing to justice persons who had been trained in resisting police questioning. In no sense was the 1988 Order an attack on the right to silence: no one was obliged to incriminate himself or to make a statement. The Order was merely a limited measure which removed an

advantage enjoyed by a person who refused to answer any questions and sought to bring a police investigation to a halt. There were only four instances in which such inferences might be drawn and they were set out in paragraph 71 of the report.

38. A research programme was being carried out in collaboration with the Royal Ulster Constabulary and the courts to determine the effects of the Order in relation to terrorist crimes. The research included a data-collecting exercise over a period of months. It was too early to assess whether the provisions of the Order were having any effect on the decisions of the courts, but the Government would consider the results of the research. Meanwhile, it believed that the modification of the law had been necessary and proportionate to the gravity of the situation in Northern Ireland.

39. As to the question whether there were any plans to extend the modifications to the rest of the country, he wished to rectify the information given in paragraph 73 of the report. The Government had since established a Royal Commission on Criminal Justice to consider the opportunity available for an accused person to state his position and how far the courts might draw inferences from the silence of an accused person. The Government would await the findings of the Royal Commission before considering the matter further.

40. Several members of the Committee had asked questions about the police complaints procedures. Paragraphs 140 to 156 of the report sought to deal with those matters. In England and Wales, the number of complaints had risen, but the number of substantiated cases had dropped. Complaints were the subject of an annual review and statistical returns.

41. In Northern Ireland, there had been an independent commission for police complaints since 1988. Its powers went beyond those of the Police Complaints Authority in Great Britain, reflecting the additional policing difficulties in Northern Ireland. It could decide whether an investigation should be carried out into a complaint; such an investigation was mandatory for serious cases. In the Government's view, the commission constituted an independent and effective complaints mechanism which had strengthened the relationship between the Royal Ulster Constabulary and the public. Its primary task was to ensure that complaints about the behaviour of police officers were thoroughly investigated and appropriate disciplinary action was taken. The commission was empowered to approve or disapprove the choice of investigating officer and decide whether he should be appointed either from within the Royal Ulster Constabulary or from outside. It could also appoint one of its members to take personal responsibility for the supervision of a particular investigation and to ask for progress reports at any time. It had the power to direct where necessary that the inquiry should follow a particular course and that the investigator should carry out a more searching examination of points already considered. The commission informed the complainant of the results of the investigation. It also had the power to insist that disciplinary charges should be preferred against a member of the Royal Ulster Constabulary who had been the subject of a complaint.

42. Mr. Burns had expressed concern about the possibility of trial without jury in the Diplock courts, which were named after the judge with whom they had originated. The Government of the United Kingdom accepted that the

solution was not ideal and would wish to return to jury trial in all cases. He noted with satisfaction, however, that, even in the difficult political situation, for over four years, more than 70 per cent of criminal cases had been tried before a jury. He was unable to give the number of Diplock convictions which relied wholly or mainly on confession evidence, but a significant majority of defendants in such courts pleaded guilty. Moreover, acquittal rates compared favourably with the rates in jury trials.

43. The Government of the United Kingdom considered that, in such trials, appropriate safeguards were provided to defendants: the judge had to give his reasons in writing and the defendant had an automatic right to appeal to a three-judge court presided over by a Lord Justice. The court re-evaluated in full all the evidence given before the court of first instance.

44. In reply to another question from Mr. Burns, he said that allegations of ill-treatment in the document from Amnesty International dated November 1991 would be investigated by the relevant branch of the Royal Ulster Constabulary under the auspices of the independent commission for police complaints in Northern Ireland. Amnesty International would acknowledge that the United Kingdom Government had always sought to respond fully to the allegations which it raised. It would therefore see to it once again that the inquiries were carried out with due regard for the law and that disciplinary measures were taken against guilty parties.

45. His Government took particular care to safeguard the right of any injured party to redress. Despite the stress to which Northern Ireland was subject, it was nevertheless a State where the rule of law prevailed and the Government ensured that redress was granted to any victim of an inhuman or degrading action, even if the guilty party had been disciplined. Different standards of proof applied in disciplinary and civil proceedings. The independent commission for police complaints in Northern Ireland could in fact act spontaneously and supervise an inquiry without a complaint having been received. On the other hand, disciplinary charges were laid against a police officer only when a complaint had been received and charges preferred against him.

46. Unfortunately, because of lack of time, he was unable to give further details about the amounts of compensation awards to victims and the kinds of compensation granted. However, he could say that Brian Gillen had accepted the sum of £7,500 as compensation.

47. He hoped that the replies given by the members of his delegation would enable the Committee to appreciate the constant endeavours of the United Kingdom to observe the provisions of the Convention in full.

48. The CHAIRMAN (Alternate Country Rappporteur) thanked the members of the United Kingdom delegation for the care they had taken in preparing such detailed replies within a particularly short time. He would be grateful if they could supply written information about disciplinary measures or criminal proceedings taken against police officers guilty of ill-treatment.

49. Mr. KHITRIN said that he welcomed the efforts made by the United Kingdom delegation to provide such detailed replies to each of the questions asked. All the same, he still had the impression that the United Kingdom did not observe the basic obligations imposed by the Convention, particularly with regard to the treatment of prisoners, as evidenced by the number of persons held incommunicado in inhuman conditions and the particularly high suicide rates in prisons. He therefore asked the members of the Committee to bear those points in mind in formulating their conclusions.

50. Ms. CHANET congratulated the delegation of the United Kingdom on the clarity and precision of its replies. She asked for a copy of section 134 of the Criminal Justice Act 1988, which would allow her to see whether United Kingdom legislation was in conformity with the provisions of the Convention. She still had some doubts as to whether the Convention was being implemented in particular areas and in some parts of the territory.

51. She had noted the assurance given by Mr. Morris that his country's authorities would not risk contravening article 3 of the Convention on extradition, but was concerned at the absence of any legal basis for that statement. Specific provisions should be included in legislation or administrative circulars in order to prevent extradition when it would expose the person concerned to a risk of torture.

52. With regard to corporal punishment for children in schools, homes or boarding schools, she was surprised that the legislation protecting children applied only to publicly funded schools, even though, in independent schools, it was for the parents to ensure the protection of their child in the contract they signed with the school management. A case involving the disturbing problem of that dichotomy had in fact been brought before the European Court of Human Rights in Strasbourg.

53. She was also concerned at the frequency of suicide in prisons and invited the United Kingdom authorities to monitor the conditions of detention of persons with suicidal tendencies.

54. With respect to Northern Ireland, she welcomed the idea of appointing an independent commissioner to monitor the sensitive holding centres where persons in custody might risk ill-treatment during interrogation. That was a good idea, but the commissioner must be given the necessary powers to report offences committed and ensure that the guilty parties were punished.

55. She was not convinced by the arguments that priority was being given to respect for the Convention in the emergency regime applied in Northern Ireland. On the contrary, it appeared that the major concern of the Government of the United Kingdom was to fight terrorism and, to that end, it was using all available legal means to collect evidence. It was impossible to be unaware of the consequences of that situation and the increased danger of torture that was associated with any encroachment on the safeguards granted to citizens; moreover, the number of complaints received confirmed that fear.

56. Mr. SORENSEN said he hoped that the Committee's conclusions would mention the United Kingdom Government's intention to publish the confidential report of the European Committee for the Prevention of Torture.

57. Mr. GIL LAVEDRA thanked the members of the United Kingdom delegation for the quality of their replies. Like Ms. Chanet, he wished to receive a copy of section 134 of the Criminal Justice Act, in which he hoped to find an answer to the questions raised in his mind by paragraph 39 of the report concerning the application of article 5 of the Convention, which dealt with the territorial jurisdiction of States parties.

58. He too welcomed the plan to appoint an independent commissioner to monitor holding centres where interrogation was carried out. Provision should also be made for medical examinations in order to provide better protection against torture.

59. In his view, it was a matter of great concern that silence could be regarded as an accusation against an interrogated person, whose right "not to be compelled to testify against himself" was enshrined in article 14 of the International Covenant on Civil and Political Rights. It was always better to extend the discretionary power of the judge to evaluate evidence rather than interpret the silence of the accused. In some circumstances, drawing improper conclusions from silence more or less amounted to denying a suspect his right not to make a statement.

60. Nevertheless, he congratulated the United Kingdom authorities on the steps they had taken to ensure that the Convention was observed in full.

61. Mr. BURNS (Country Rapporteur) said that, if the case of Northern Ireland was separated from the rest of the country, it could reasonably be said that the Government of the United Kingdom met in virtually every respect the obligations contained in the Convention. On the other hand, the implementation of the Convention in Northern Ireland was far from satisfactory. Although it was true that each year Parliament reviewed the need to maintain the emergency regime in Northern Ireland, it had been in effect for nearly 20 years and two generations of policemen had known no other.

62. He had not been persuaded by the reasons given by the members of the United Kingdom delegation for the absence of video recordings. The fact that no suspect was entitled to have his solicitor present during interrogation was also a cause for great concern. The arguments put forward to justify the refusal of the right to silence were all the less acceptable because the suspect was deprived of the assistance of a solicitor. To all intents and purposes, the United Kingdom was deliberately setting aside one of the basic protections guaranteed throughout the civilized world. Even the extreme circumstances in Northern Ireland in no way justified such a denial of basic human rights.

63. As country rapporteur for the United Kingdom, he had received a list, compiled by a solicitor, of 30 persons who had received compensation for ill-treatment over a two-year period. He would transmit the list to the United Kingdom delegation. The Government of the United Kingdom did not seem to be miserly about compensation for torture victims.

64. In conclusion, he said that the openness of the report (CAT/C/9/Add.6) and the comments of the United Kingdom delegation had been very useful. The members of the Committee still had serious concerns about the situation in Northern Ireland, but they very much hoped that they would be allayed for good by the next report of the Government of the United Kingdom.

65. The CHAIRMAN (Alternate Country Rapporteur) said that he could not yet take a decision on whether United Kingdom legislation fully met the provisions of the Convention, particularly those of article 3 on extradition. A member of the United Kingdom delegation had said that further information on the implementation of article 10 would be provided. It seemed that there was still much to be done in respect of training for law enforcement personnel.

66. The idea of requesting an independent commissioner to inspect interrogation centres was welcome, but he pointed out that, in accordance with article 11 of the Convention, such monitoring must apply to interrogation rules as well as to methods and practices.

67. In connection with the emergency regime which was continuing in Northern Ireland, he drew attention to article 2 of the Convention, which provided that "No exceptional circumstances whatsoever ... may be invoked as a justification of torture".

68. He was surprised at the differences between the regulations in the United Kingdom and Wales, on the one hand, and in Northern Ireland, on the other. By virtue of article 2, paragraph 1, the State party had to take all necessary measures to prevent acts of torture in its territory; in that regard, the presence of a solicitor during interrogation was an effective safeguard.

69. He hoped that the conclusions of the country rapporteur and his alternate would reflect all the concerns of the members of the Committee who had all paid a tributed to the frank and careful way in which the information had been provided by the United Kingdom Government and its delegation.

70. The members of the United Kingdom delegation withdrew

71. The meeting was suspended at 5.40 p.m. and resumed at 5.50 p.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

72. The CHAIRMAN announced that Ms. Chanet had been able to put off the engagements that would have prevented her from taking part in the work of the Committee. Contrary to what had been said at the opening meeting of the present session (CAT/C/SR.88), she would therefore act as country rapporteur for Cameroon and alternate country rapporteur for Bulgaria.

The meeting rose at 5.55 p.m.